



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0203/1  
TKK:amn

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 469**

December 15, 2015 - Offered by Representative KREMER.

1     **AN ACT** *to create* 118.315 of the statutes; **relating to:** use of changing rooms by  
2           pupils.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3           **SECTION 1.** 118.315 of the statutes is created to read:

4           **118.315 Pupil physical privacy. (1)** In this section:

5           (a) "Changing room" means a room or area, with or without stalls for individual  
6           use, designated for a person to change his or her clothes. "Changing room" includes  
7           a locker room, shower room, and dressing room, but does not include a  
8           gender-neutral restroom.

9           (b) "Gender-neutral restroom" means a restroom that satisfies all of the  
10          following requirements:

11          1. The restroom has 2 or more stalls.

1           2. Each stall in the restroom has a floor-to-ceiling door with a lock or latch so  
2 that the door may be locked or latched from the inside.

3           3. Each stall in the restroom is separated from any other stall by either a wall  
4 or floor-to-ceiling partitions.

5           4. There are no spaces between the doors, walls, and partitions used in the  
6 construction of each stall so that a person standing outside a stall cannot see inside  
7 the stall and a person inside a stall cannot see into any other stall.

8           5. If the restroom has a urinal, the urinal is located in a stall that meets the  
9 requirements under subds. 2. to 4.

10           (c) "Sex" means the physical condition of being male or female, as determined  
11 by an individual's reproductive organs and as designated on that individual's birth  
12 certificate.

13           **(2)** (a) 1. A school board shall designate each pupil restroom and changing room  
14 located in a public school building in the school district and accessible by multiple  
15 pupils simultaneously as for the exclusive use of pupils of only one sex.

16           2. The school board may establish policies for special events, including athletic  
17 events, during which the school board may temporarily redesignate a pupil restroom  
18 and changing room. Upon the conclusion of the special event, the pupil restroom and  
19 changing room shall revert to the designation under subd. 1.

20           (b) 1. Except as provided in subd. 2., no member of the female sex may use a  
21 pupil restroom or changing room that has been designated by the school board for the  
22 exclusive use of the male sex, and no member of the male sex may use a pupil  
23 restroom or changing room that has been designated by the school board for the  
24 exclusive use of the female sex.

1           2. a. The prohibition under subd. 1. does not apply if the school board has set  
2           aside the designation under par. (a) 1. pursuant to a policy established under par. (a)  
3           2.

4           b. The prohibition under subd. 1. does not apply to a janitor or maintenance  
5           person when performing duties related to his or her employment; to a teacher, school  
6           administrator, police officer, or emergency medical services personnel when  
7           performing duties related to his or her employment, including during an emergency  
8           or a drill described under s. 118.07 (2) (a); to a parent, other family member, or  
9           guardian assisting a child; or to a person providing assistance to a person with a  
10          disability.

11          **(3)** (a) A school board shall provide reasonable accommodations to a pupil to  
12          use a single-occupancy restroom or changing room or the regulated use of a faculty  
13          restroom or changing room if the parent or guardian of the pupil submits to the  
14          administrator of the school in which the pupil is enrolled a written request to receive  
15          accommodations under this paragraph. The school administrator shall treat a  
16          written request submitted under this paragraph as a pupil record subject to the  
17          protections under s. 118.125 (2).

18          (b) Subject to the requirements of s. 120.12 (12), a school board may provide a  
19          gender-neutral restroom in a school in the school district for use by pupils.

20          **(4)** (a) If a school board receives a written complaint from a pupil enrolled in  
21          the school district, or the parent or guardian of a pupil enrolled in the district,  
22          regarding a violation of this section, the school board shall, within 30 days,  
23          investigate and attempt to resolve the complaint.

24          (b) Subject to s. 118.26 or, for a school district operating under ch. 119, s. 119.68,  
25          the pupil, or the parent or guardian of the pupil, who submitted a written complaint

1 under par. (a) may bring a claim for any of the following if the complaint is not  
2 resolved to the satisfaction of the pupil or the pupil's parent or guardian:

- 3 1. Declaratory relief.
- 4 2. Injunctive relief.
- 5 3. Damages, including the reimbursement of reasonable attorney fees.

6 (END)